



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

\$-7

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM62/0314

J CHARLES DOUGHERTY  
WRIGHT LINDSEY & JENNINGS  
200 WEST CAPITOL AVENUE SUITE 2200  
LITTLE ROCK AR 72201

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/167,080	10/06/98	008	LEE, D	1732 03/14/00
First Named Applicant	EATON, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: METHOD FOR FORMING A BREAST PROSTHESIS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 8793-41592	264-040.100	J70	UTILITY	YES	\$605.00	06/14/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

# Notice of Allowability

Application No.  
09/167,080

Applicant(s)  
Eaton

Examiner  
Dae Young Lee

Group Art Unit  
1732



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to papers filed on 2/23/00

☒ The allowed claim(s) is/are 1 and 3-9 (now renumbered 1-8 respectively)

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☒ including changes required by the proposed drawing correction filed on Feb 28, 2000, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

Art Unit: 1732

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Dougherty on March 9, 2000.

2. The application has been amended as follows:

In the Title, the phrase "OUTER SURFACE" has been deleted.

In the Specification:

a. page 10, line 4 the word "Silastic" has been replaced with --SILASTIC--;

b. page 14:

i. line 5 the word "Silastic" has been replaced with --SILASTIC--;

ii. line 9 the word "Silastic" has been replaced with --SILASTIC--;

In claim 1:

a. line 1 the phrase "outer surface" has been deleted;

b. line 11 the phrase "that fits" has been replaced with --formed--;

c. line 12 the phrase "that fits" has been replaced with --formed--;

d. line 14:

Art Unit: 1732

- i. the phrase "outer surface" has been deleted;
  - ii. the phrase --an inner surface and an outer surface and having-- has been inserted after the word "having";
  - e. line 15 the phrase "and smooth interior" has been deleted;
  - f. line 16 the phrase "outer surface" has been deleted;
  - g. line 17:
    - i. the phrase "smooth interior" has been replaced with --inner surface--;
    - ii. the phrase "outer surface" has been replaced with --to form a precise mirror image of the breast--;
    - iii. the word "exterior" has been replaced with --outer surface--;
- In Claim 7, line 2 the word "Silastic" has been replaced with --silicone material--.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dae Young Lee whose telephone number is (703) 305-0393. The examiner can normally be reached on Monday-Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703) 308-3829. The fax phone number for this Group is (703) 305-7718.

Application/Control Number: 09/167,080

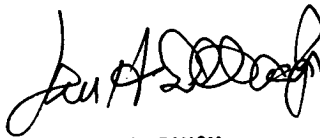
Page 4

Art Unit: 1732

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

DYL

March 13, 2000

  
PAUL H. SLOMSON  
SUPERVISORY PATENT EXAMINER  
ART UNIT 1732

03/13/00